

In fact

for The Millions Who Want a Free Press

(No. 87) Vol. V, No. 9

June 8, 1942

If Your Name Is Addressed in
Red See Page 3

Re-entered as second-class matter March
12, 1941, at the post office at New York,
N. Y., under the act of March 3, 1879.

George Seldes, Editor

Published every week and copyright, 1942, in the U. S. A. by IN FACT, Inc., 19 University Place, New York, N. Y. Phone AL 4-6995.
One Dollar (52 issues) a year. Canada \$2.00 a year (Canadian money). Foreign \$3.00 a year.

Who Is to Blame?

THE oil pipe line trust paid hundreds of millions in dividends, ruined small oil men, fleeced the American public, and evaded the payment of between one and a half and three billion dollars by a consent decree which, according to Rep Coffee (see wide column) merely changes the technique of robbing the American people. Nevertheless, certain high Dep't of Justice officials are absolved of condoning what is termed the biggest financial scandal since Teapot Dome. Who is to blame?

According to Senator LaFollette's weekly Progressive "Secretaries Knox and Stimson have effectively paralyzed anti-trust prosecutions by contending that gov't attempts to break up monopolistic practices would imperil the war production program. They argued in the White House—apparently with great success—that the time and energy of corporation executives are too valuable right now to be frittered away in the courtroom. . . . Thurman Arnold, ass't att'y gen'l in charge of Sherman Act enforcement, blew this alibi sky high."

On May 28 the Associated Press reported "Att'y Gen'l Biddle urged today prompt passage of legislation exempting concerns from prosecution under the anti-trust laws when they are complying with specific requests from War Production Board in furtherance of the war effort. Robert P Patterson, under-sec'y of War . . . strongly favored such legislation in order to give business men specific assurance against anti-trust suits."

Senator Van Nuys May 26 introduced a bill giving Nelson rather than Biddle final decision on lifting anti-trust law restrictions. Arthur Krock, NYTimes Washington correspondent, reported (May 26) "prospect seems bright" for Van Nuys' bill suspending Sherman act, and "the Axis has no such laws."

Two facts are obvious: that there is a necessity of exempting war production firms from fear of trust prosecution; that certain corporations, taking advantage of this fact, have escaped paying for their crimes in peacetime to the tune of billions. Rep Coffee wants an investigation to name the gov't officials who are responsible.

Call Off Mr Arnold

MEANWHILE Executive Council, AFL, speaking for 5,000,000, approved report of gen'l counsel Jos A Padway calling upon Roosevelt Administration to call off Thurman Arnold's suits against labor unions, using Sherman, Clayton, other laws originally passed to stop Big Business monopolies from robbing America. AFL Council declares that Big Biz although guilty of violating trust laws,

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Oil Pipe Line Scandal—Biggest Since Teapot Dome

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PRACTICALLY all the advertising done in America is paid for by business men. Advertising has frequently been anti-labor, openly Fascist, and advertising men—outside their offices—have frequently denounced their own trade as the brass check stooge of the National Association of Manufacturers, the Chambers of Commerce, and other organizations exposed in the LaFollette reports as the secret violators of the Wagner Act, the employers of spies and goons, and all-in-all, the enemies of the general welfare of the American people.

When the Japanese attacked Pearl Harbor most Americans united to defend the United States and to help in an offensive war against world Fascism. Many great manufacturers, many advertising corporations, many newspapers offered to help America win the war.

The only group or stratum, as officially proved by government figures and reports, which cooperated 99.97% in the war effort is labor, and particularly the three major labor organizations which number more than 11,000,000.

Among the National Association of Manufacturers there are some who have surpassed the tank, airplane and gun programs, but there are others who are using the war to put over the native-Fascist program. (Full documentation in IN FACT, May 11, 1942).

There is also the Standard Oil rubber scandal, the aluminum scandal, the patents scandal, and scores of others which, despite an attempt at whitewash in newspapers and magazines taking SO and Alcoa and similar advertising, show that an important part of Big Business betrayed the best interests of America, before and after Pearl Harbor.

In journalism one large weekly (Social Justice) and a half-dozen small fry (Publicity, X-Ray, Gallilean, etc) have been charged with sedition and treason, but the Chicago Tribune, which obtained a War Department secret report on army strength, and published it for the information of Hitler and Hirohito, continues the publication of defeatist and divisionist editorials, continues to fake and color the news, although Director MacLeish of Office of Facts and Figures clearly indicated the Tribune was committing treason.

How Adv Council Sabotaged Gov't Program

Among the first to get publicity for offering its services to the gov't to fight Hitler was the Advertising Council, which included the top names in the advertising profession. Although the newspapers, which gave it wonderful publicity, did not tell you so, it was a self-appointed group of promoters and advertising associations heads, and it did not include one "working" advertising man. It collected \$100,000 from the advertising field by various pressures it knows how to exploit. It was generally reported that the Advertising Council would be the channel through which the gov't would distribute millions of dollars to advertise bonds, war stamps, etc, although the plan to squeeze Uncle Sam for this kind of money, which was first approved by Editor & Publisher, was later denounced by some leading publishers and advertising men themselves.

Although nothing much has been done by the Advertising Council, it has engaged in one major operation, and that one was a sabotage job against the United States. A couple of months ago the gov't began its moves to combat inflation. Two representatives of Leon Henderson's office visited the Adv Council and told its head, Chester (Chet) La Roche that Henderson wanted him "to write his own ticket" and get the job of explaining the gov't's attitude on inflation—via advertising—done. However, dissension arose between two adv groups, and a complication in the form of one of Henderson's agents being sent to a psychiatric ward.

"Meanwhile" (continues David Munro in Space & Time, May 25) "under the so-called Patrick Group, the work of preparing an inflation series went on . . . was duly approved by all the necessary gov't bureaus, lawyers, policymakers, etc.

It was then sent to Chet La Roche, as head of the Council, to arrange for insertion as advertising. In accordance to standard practice, it was to be 'sponsored' by other advertisers. But nothing happened after it arrived in Chet La Roche's hands.

Advertising Men Want Labor's Wages Frozen

"Time ran out, and Washington heard nothing on the reasons for delay. Finally, after 16 days, the copy came back to Washington. But it came back, incredibly enough, changed by La Roche. He thought that the gov't ought, for instance, to guarantee to freeze wages as well as commodity prices to insure the country against inflation and thought the ad ought to state this. Naturally this threw Office of Emergency Management in reverse. The adv campaign was returned to conference. . . . Office of Production Management and OEM were faced with a kind of strike, La Roche engineered, which prevented the gov't saying what it wanted to the people in display advertising, or on the air. (Since the main function of the campaign was to explain the price-fixing order which became effective May 18, there is now some doubt that it will ever run.)

"This prompts a look at the place of the (Advertising) Council, since it thus has a kind of halfway veto over public expressions of gov't policy. By now it seems fairly certain that the adv business has been able to continue its current wasteful institutional advertising on the implied understanding that a good part of the space and time thus taken would be used to present official pleas. Thus the tax exemptions secured mean that the US public is paying for the advertising. But it turns out not to be the public or even its gov't which has the final say on what ideas will be promoted in the space thus paid for by the public. Naturally this kind of thing puts the mark of death on the Council."

Space & Time, same issue, points out that newsweekly Time suppressed all mention of Vice-President Wallace's great speech. (For readers who can afford it we highly recommend Space & Time—415 Lexington Ave, NYC—at fifteen dollars, or trial six weeks for two dollars.)

OIL PIPE LINE SCANDAL BIGGEST SINCE TEAPOT DOME

(Editor's Note: The documentary facts about the oil pipe line scandal, disclosed by John M Coffee, chairman of the Liberal Bloc of the US House of Representatives, has been called by qualified observers a greater scandal than Teapot Dome. Nevertheless only two papers in the East and a handful of dailies in the oil states have touched it. The same press which is now enjoying enormous advertising from various Standard Oil companies—one saying it was not guilty of treason in dealing with Hitler, others saying SO branches, Indiana, California, etc, were not involved—suppressed not only the speech but the documents presented. According to Senator Gillette, the American army of 6,000,000 "could be paid for a year with the amount the Gov't threw away" when it dropped the pipe line cases. The reader should also note that the Dep't. of Justice warned the Associated Press but refrained from suing America's publishers for maintaining a monopoly, but prosecuted many suits against labor unions, and now drops its case against the oil trust. The following, which appeared in the Congressional Record, was sent In Fact by the author.)

By John M Coffee, Representative from Washington

IN THE PIPE LINE CASES, adjudicated by the US Supreme Court in 1914, the petroleum pipe lines of this country were declared to be common carriers and therefore subject to the Commerce Act and the Elkins amendment. . . . The Elkins Act forbids . . . rebates by any means or device whatsoever.

"It will be recalled that the immense growth of the old Standard Oil Trust was due almost entirely to railroad rebates. On Apr 8, 1938, there was filed with the Att'y Gen'l a complaint alleging violation of the rebate sections of the Elkins Act by the common-carrier pipe lines. . . . These pipe lines are owned almost exclusively by 21 major oil companies; for many years their combined net earnings, paid out to their parent-company shipper-owners in the form of corporate stock dividends, have approximated \$80,000,000 to \$100,000,000 annually, and the above-quoted complainant alleged that such "dividends" was a forbidden means or device for the giving and acceptance of rebates. . . .

The Dep't of Justice on Sept 30 1940 instituted in US District Court three tests . . . of the Elkins Act . . . named Standard Oil of Indiana, Phillips Pipe Line Co and Great Lakes Pipe Line Co as defendants. Preparations continued . . . for nearly a year, when rumors were heard that they would never go to trial and would be settled by consent decree.

(Mr Coffee then introduced following documents: (1) Complainant's protest to Thurman Arnold, ass't Att'y Gen'l, stating that consent decree permitting transportation of oil at cost would be a travesty on justice, would place seal of approval of D of J on continued violation of the law; (2) reply from Arnold, dated Oct 9, 1941, saying compromise can only be effected by Att'y Gen'l Biddle himself; (3) reply to Mr Biddle Oct 22 to solicitor Crowley of U S Postoffice, saying plan for compromise settlement would be submitted to proper congressional committee.)

This is a novel arrangement whereby the Dep't of Justice submits to a

demanded suspension of suits "for the duration," that Arnold agreed, that Roosevelt approved. Although highest court has ruled anti-trust laws do not apply to unions, and has dismissed every suit brought by Arnold against labor, he still is pressing litigation, AFL Council charges. "If the promotion of the war effort requires a relaxation of prosecution against capital," argues Padway report, "then the same factor, plus common justice, demands an authoritative and conclusive halt to the infamous Arnold campaign against labor."

Mrs Roosevelt Replies

WHEN Mrs Roosevelt declared she had resigned from Pro-Finland, after Pearl Harbor, most papers suppressed the news. Lately Mrs Roosevelt has been answering amazing questions in her Ladies Home Journal page. In June issue she is asked: "Do you have colored blood in your family, as you seem to derive so much pleasure from associating with colored folks?" Mrs Roosevelt replies: "I only know about all my ancestors as far back as their arrival in this country. . . . I haven't as yet discovered . . . any colored blood, but, of course, if any of us go back far enough, I suppose we can find that we all stem from the same beginnings. I have no feeling that the colored race is inferior to the white race."

Red Blood Color Line

THE American Red Cross accuses the Medical Department of the United States War Dep't, also the US Army and US Navy of enforcing the order segregating white men's blood from Negroes' blood in the blood bank now being prepared to save the lives of soldiers and sailors. The American Red Cross pleads not guilty to one of the most Fascist charges that has ever been made against a great American institution, and suggests that protests be sent US Medical Dep't.

The declaration of the Red Cross followed an item in IN FACT months ago regarding refusal to accept Negro blood donors. At that time we pointed out that there is absolutely no difference in blood according to scientific tests. Shortly afterwards the Red Cross accepted Negro donors but segregated the blood.

One of IN FACT's patriotic readers (white), a student who has supplied us with many important items, pledged the Red Cross a pint of blood every 8 weeks "until we win the war against Fascism," and this he continues to give. Recently, after giving his blood, he wrote the Brooklyn chapter protesting "the Hitler-like policy of segregating Negro and white blood—which is nothing but the Hitler theory of 'inferior' and 'superior' races. How can we fight Fascism with Fascist practices?"

He received a reply from Walter Ripperger of Brooklyn chapter Red Cross saying it treats all donors alike. He immediately wrote that he would continue to give his blood for fighting Fascism no matter what happened, but he thought the letter a quibble. He thereupon received a letter from Colonel J H Bigley, executive director, saying:

"The American Red Cross was asked by the Army and Navy to set up a blood donor volunteer service. . . . What they do with the blood after the Red Cross has completed its obligation, the writer can truly say that he does not

know. It is suggested that you write to the Medical Dep't of the US War Dep't and ask them the question (of Negro blood segregation). The Red Cross is placed in a very unfortunate position for the simple reason that this is a divided program. The recruiting and the procurement of the blood . . . are paid for by the Red Cross. . . . When it reaches the laboratory the responsibility of processing the blood is the function of the US Army."

This donor believes protests from IN FACT readers, especially those who have given blood, to both Red Cross and War Dep't will be effective now.

Nat'l Fed'n for Constitutional Liberties urges everyone to write Surgeon-Gen'l Magee, War Dep't, Washington, Surgeon-Gen'l McIntyre, Navy Dep't, asking them to demand that Red Cross cease segregating blood; similar letters to Norman Davis, President Red Cross, Washington, urging RC itself end segregation. Liberties organization accuses Army, Navy and Red Cross of shifting responsibility. It does not accept Red Cross explanation.

Negroes in This War

UNDER the heading "This is Our War" the Nat'l Negro Congress, Dr Max Yergan, president, has issued a double appeal: to wipe out discrimination and to let Negroes fight equally against the common enemy, Fascism. The proclamation says in part:

"This is the war of every American—regardless of race, creed, or color—because the national independence of our country is at stake.

"Negro Americans, especially, want to defeat Hitler because Nazi slavery threatens our onward march to full freedom.

"The security of America and the defeat of Hitler make it imperative to open a western front in Europe now. The strongest national unity of the whole American people against the common enemy is needed to win victory in 1942. . . . Every barrier which keeps Negroes from full and equal participation in our war program must be torn down immediately. The Negro People's demand for full equality in America's war offensive is a demand to win the war.

"Complete integration of the Negro people into all phases of our war offensive is a vital responsibility of the whole nation. Negroes should be included in all administrative councils conducting our common war effort, in keeping with their dignity as a people and as American citizens. The Negro people look to organized labor, a powerful ally, to rally the nation in the achievement of this goal.

"We hail labor's determination to keep its ranks united and strong against such defeatists as John L Lewis, whose dis-

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Committee of Congress the merits of a case pending in litigation . . . and secures the consent of a Congressional Committee before it enters into any proceedings. . . . Contrary to these promises, the Dep't of Justice in what can only be considered a clandestine manner compromised these Elkins Act cases by entry of a final judgment, without warning, without advance public notice, and without consultation with any representative of the people in Congress.

(*Mr Coffee then accuses the Dep't of Justice of withdrawing the suit against 3 companies, instituting a suit against all 21, including these three, and then filing a consent decree, all within 24 hours.*)

The whole amazing arrangement was entered into within 24 hours without notice to anybody; and the consumers and the Gov't and the people of the US were deprived of their remedies and the collection of huge penalties. . . . The pipe line companies faced possible judgments of approximately one and one half billion dollars and their shipper-owners an equal amount, or \$3,000,000,000 in all. The greatest amount of money involved in any litigation in American history was involved, yet the Dep't entered into a consent decree within 24 hours after suing. Who is running this Gov't—the oil monopoly or the American people? Are we to have the oil monopoly running the Gov't whether the Democratic Party and the Republican Party is in power, or are the people going to run this country?

Patriots talk about looking for sources of money as a means whereby to help win this war. Why did the powers that be exculpate the major oil companies, the richest combination of capital in the history of the world, aggregating \$14,000,000,000, but they exempted them in 24 hours and without notice to the public or the court in advance? . . .

By the terms of the consent decree the complained-of violations are permitted to be continued, but under a slightly different guise; instead of paying all their net profits to their major oil company shipper-owners, under the terms of the consent decree the common carrier pipe lines are now permitted to pay, as dividends, rebates in reality, only 7% on invested capital—but the rest of their fabulous earnings can be devoted to any legitimate corporate purpose—verily a distinction without a difference. This consent decree is tantamount to nullification of the supreme law of the land; it violates the integrity of the administrative branch of our Gov't and deserves thorough investigation by Congress.

In conclusion, it seems to me that the House of Representatives should appoint a committee to investigate this situation and ascertain what influences were brought to bear and what it was that brought about the ending of this suit. . . . The Dep't of Justice calmly and definitely has thrown down the sewer an opportunity to put in the public treasury at the very least \$1,500,000,000 while at the same time nullifying the laws of the land and failing to protect the rights of the little man in the oil business who has practically been exterminated because the Elkins Act has not been enforced. . . . The situation actually points to what are in effect subversive activities on a vast scale—the sabotaging of our laws, the granting of immunity from prosecution for violation of the law on a scale heretofore undreamed of.

ALASKA HIGHWAY DECISION CALLED GRAVE BLUNDER

A newspaperman just back from Alaska informs IN FACT that a major blunder is being committed in the project for a highway to Alaska—"America's Burma Road." The wrong route has been chosen. As things now stand, he says, there probably never will be a highway into Alaska over the present route; certainly not an efficient supply line to Alaska. And a highway over the present route would cost many million dollars more than the original highway estimates.

The public believes a supply line is being built to Alaska; that is not the case, according to our informant. What actually is happening is that the Army is trying to construct a tote road to feed two mislocated airfields in northwestern Canada.

The man who knows the whole story of the highway best is an Alaskan now in Washington, Donald MacDonald, 62-year-old engineer, who has devoted 14 years to an overland link between Alaska and the US. MacDonald believes the Army has blundered gravely in choosing the present route.

The story is this. Just before Hoover was defeated for re-election, he was considering an international highway to Alaska both for strategic reasons and to give many unemployed jobs. The Canadians were in favor of it, but George Black, ex-speaker of Canada's House of Commons, who was known to be close to the Canadian Pacific and the White Pass and Yukon RR, condemned the project. The highway was shelved until 1938, when, after a visit by President Roosevelt to Premier T D Pattullo of British Columbia, Rep. Magnuson introduced a bill to form a five-man highway commission. Canada had its own five-man commission, and the two bodies conferred and supplemented each other's work. MacDonald was appointed Alaskan member of the American commission.

Prodded by Roosevelt

In 1940 the two commissions reported, to Roosevelt and Prime Minister Mackenzie King. The reports underplayed the defensive value of the Highway, out of "deference" to the Canadians. MacDonald, however, wrote a special report on the strategic uses of a highway. He then toured the country telling how urgent this highway was for our defense. The War Department, from 1940 until Pearl Harbor, held to its position that the highway had no strategic value;

whatever was done to advance the project, seems to have been due mostly to prodding by President Roosevelt.

In 1941 Mayor LaGuardia, as head of the Joint Defense Board, told a press conference that President Roosevelt was "deeply interested in the highway and that a detailed survey be started at once." Nothing was done. In January, 1942—after Pearl Harbor—Alaska's Delegate Dimond wrote to LaGuardia to find out if he had been quoted accurately by the press. He received no reply from the Mayor, but a letter from a subordinate stated that LaGuardia had no authority to answer. What had happened was that the Joint Defense Board had decided to pass up both the commissions, which had all the essential data at their fingertips, and establish a new airline into Alaska. Sites for airfields were chosen at Fort Nelson and Watson's Lake.

In this policy the Joint Defense Board was influenced—possibly unknowingly—by the Canadian Pacific Railways, through the fliers of the Yukon-Southern Airways, who had sold out to the Canadian Pacific. The point is that the selection of the present route not only tends to confirm the monopoly of flying that the Canadian Pacific is attempting to create, but also gives the Canadian Pacific the practical monopoly of the long haul from the East, since Dawson Creek is practically inaccessible to US trans-continental railroads. Also, it cuts out the Pacific Northwest. The Canadian Pacific maintains a steamship line along the Alaskan Coast and acts in collusion with the Alaskan Steamship Company in attempting to defeat a highway, or airway, that could serve the Alaskan towns and the Alaskan Panhandle. It is significant, also, that American commercial planes cannot land on these airfields except with military cargoes—despite the fact that the US government will pay for building the road, the airfields themselves having been built by the Canadian government.

The airfields were built ostensibly for Army purposes, but actually for Canadian Pacific. Army men, off the record, call the two fields badly mis-located. No thought was given to a supply road for the fields, until the necessity belatedly became apparent. But when talk of the international highway was revived last winter, the route chosen was that which would connect up the two already completed airfields. The Army and the Joint Defense Board determined the route. Upon adoption of the route, both commissions condemned it. The American commission telegraphed the White House it was a dreadful blunder.

Bottomless Bog Over 100 Miles

There are two things which make the present route almost impossible to complete. The first is a large area of bottomless muskeg between Dawson Creek, B C, and Fort Nelson. Surveys made some years ago showed no sign of solid ground at a depth of 80 feet. The second is the sustained elevation of 4,500 feet over which the highway must pass between Watson's Lake and Whitehorse. This stretch of about 100 miles is subject to heavy snows and high winds for nine months of the year. "Maintenance and operation of a roadway through such country is simply so uneconomic as to be impracticable, unless some lower, unknown pass can be discovered," MacDonald told Gov Gruening of Alaska.

The Army chose the route without ground reconnaissances. Now they are beginning to make surveys and realize their error. During the winter freezeup they were able to get equipment over the muskeg bogs. Now that the thaw is on, the Army is building the link from Fort Nelson to Watson's Creek, but the part from Dawson Creek to Fort Nelson is still to be touched.

Carefully worked-out charts show that MacDonald's route could be built without obstacles in a much shorter time. The grade is slight, offering no obstacles to speed. Eleven reconnaissance engineers have covered the entire distance on foot. MacDonald's estimated costs are far below the original estimates for the present route, and it could be built in much less time with as few as 4,000 men. Three nationally known highway contractors told him last February that they could have a road completed through to Fairbanks by November.

Apart from construction difficulties the present route has other disadvantages. Its railhead is at Dawson Creek. The railhead of the route recommended by the two international highway commissions, the MacDonald route, is at Prince George, B C. Prince George is 17½ hours closer to Seattle and 3 hours closer to Chicago than is Dawson Creek. With Seattle the depot for Alaska, supplies would lose almost a day in transit.

The present route is too far inland to be used as a line of attack against an invading force. On the MacDonald route it would be possible to lay bases which could be employed against the enemy if the Alaskan coastal bases were destroyed. The MacDonald route is 125 to 150 miles inside the coast; the present route, about 400 miles. Fighter escort planes have cruising ranges of only 500 miles. Pan-American flies the shortest, most direct route into Alaska from Seattle. The path of the MacDonald route trails Pan-American's line of flight. Lake, river and road transportation is available for half its length, permitting construction to be started at a great many points simultaneously. The Army's route can only be built from both ends, these ends being 800 miles apart.

Already the Army has shown signs of reconsidering. The first step was to send out a survey party to plot a path for a railroad. The path followed MacDonald's route. According to a recent news story the Army does not intend to complete the railroad in time for use in this war, but hopes to make it available for commerce with Alaska in the future.

ruptive tactics endanger the trade unions and the war program.

"Defeatists are enemies of the Negro people as well as the war effort. The Westbrook Peglers, the Martin Dies, the Norman Thomases are disrupting national unity by spreading lies that Hitler wants us to believe. The patriotism of Joe Louis and Dorie Miller are symbols of the Negro people's rejection of defeatism."

The congress lists four points under "What You Can Do." They are:

1. Do everything you can to win our war. Support our Commander-in-chief against the defeatists. Urge a western front now to win the war in 1942.

2. Urge the removal of all discriminatory bars from the war effort. Report to the President's Committee on Fair Employment Practices all cases of job discrimination. Urge strengthening of this committee. Urge use of the War Manpower Board to accomplish mass training and mass employment of Negroes. Petition our national government to set up mixed brigades and naval units.

3. Expose the disrupters of national unity. Demand the suppression of the Ku Klux Klan and all other anti-Negro, anti-Semitic, anti-Catholic, anti-labor groups which seek to destroy national unity.

4. Promote unity among Negroes for victory and full citizenship. In every organization plan and work for the broadest unity of Negro people to win their rightful place with all other Americans to achieve full victory.

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